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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SACV 12-1903 JVS (MLGx)	Date	November 15, 2012
Title	<u>OWB REO, LLC v. Catalina Garcia</u>		

Present: The Honorable	James V. Selna
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Karla J. Tunis

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order Remanding Action to the Superior Court of the State of California for the County of Orange

On November 2, 2012, Catalina Garcia ("Garcia") removed this case from the Superior Court of the State of California for the County of Orange. (Docket No. 1.) She removed this action on the basis of federal question jurisdiction, 28 U.S.C. § 1331. (Notice of Removal, pp. 3-4.)

The Court has reviewed the jurisdictional allegations and has considered other possible bases for jurisdiction in light of the facts pled in the Complaint and the Notice of Removal. The Court finds no basis for jurisdiction, and now remands the case.

The Court must determine jurisdiction on the basis of the case removed. The underlying action is an unlawful detainer action. No federal claims are asserted (28 U.S.C. § 1331). Federal defenses or federal counterclaims provide no basis to remove an action which does not otherwise establish federal jurisdiction. See Franchise Tax Board of State of Cal. v. Construction Laborers Vacation Trust, 643 U.S. 1, 10 (1983); Metro Ford Truck Sales, Inc. v. Ford Motor Co., 145 F.3d 320, 326-27 (5th Cir. 1998). There is no basis for federal question jurisdiction.

_____ It is unclear whether the parties are of diverse citizenship, as required by 28 U.S.C. § 1332(a)(1), because the record does not indicate the citizenship of the members

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of OWB Reo, LLC.¹ (Complaint, ¶¶ 1-2.) In any event, it is apparent that the amount of relief sought is less than the jurisdictional minimum of \$75,000. The face of the Complaint states that the amount of claimed damages is less than \$10,000. There is no basis for diversity jurisdiction.

The case is remanded to the Superior Court of the State of California for the County of Orange for lack of jurisdiction.

Initials of Preparer kjt

¹Johnson v. Columbia Properties Anchorage , LP, 437 F.3d 894, 899 (9th Cir. 2006); Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998); Keith v. Black Diamond Advisors, Inc., 48 F. Supp. 2d 326, 329-30 (S.D. N.Y. 1999).